

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|-------------------------------|
| KINGSLEY OSAGIE, |) | |
| |) | Civil Action No 3: 15-cv-0294 |
| Petitioner, |) | |
| |) | |
| v. |) | United States District Judge |
| |) | Kim R. Gibson |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM ORDER

Pending before the Court is the “Motion of Removal of Non-Violent Offender Prior to Completion of Sentence of Imprisonment in Pursuant to 8 U.S.C. 1231(a)(4)(b),” which has been construed as a Petition for Writ of Habeas Corpus by a federal prisoner filed pursuant to 28 U.S.C. § 2241. (ECF No. 1.) The matter was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

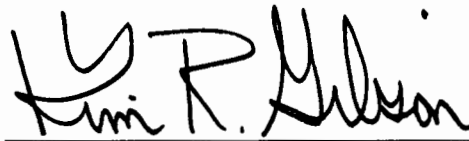
The magistrate judge filed a Report and Recommendation on November 20, 2015 (ECF No. 2) recommending that the Petition for Writ of Habeas Corpus be summarily dismissed because Petitioner has no federal constitutional or statutory right to be immediately deported before the expiration of his criminal sentence. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had until December 7, 2015, to file written objections to the Report and Recommendation. To date, no objections have been filed nor has Petitioner sought an extension of time in which to do so.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of December, 2015:

IT IS ORDERED that the instant petition for writ of habeas corpus is **DISMISSED**.

The Report and Recommendation filed November 20, 2015 (ECF No. 2) is adopted as the opinion of the Court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

Kim R. Gibson
United District Court Judge

cc: KINGSLEY OSAGIE
64261-019
Moshannon Valley Correctional Center
555 Geo Drive
Philipsburg, PA 16866